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IMPROVING THE DISSEMINATION OF UNITED STATES GOVERNMENT INFORMATION

The Report of the Public Printer's Sales Publications Pricing Panel

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Abstract — The Government Printing Office's Sales of Publications Program was established by Congress to disseminate government information to the public at an economical price. It is one of the few government programs that operates on a self-sustaining basis. In fact, the Sales Program has generated excess revenue that, by law, is returned to the Treasury. Several months ago, the Public Printer initiated a special study of the Sales Program as it relates to documents pricing and the distribution of government information. The Public Printer recently released the study group's final report. In this article, the chairman of the study group discusses the report's findings, conclusions and recommendations. Eleven diverse issues were considered by the study group in areas such as pricing, marketing, program administration, and appeals of disputed prices. The report has three main themes: (a) the law that governs pricing for sales publications affords sufficient discretion to test alternative approaches to the current pricing formula; (b) because the sales prices of government books are based on their per unit cost, lower prices can be achieved by increasing sales volume; and (c) commercial book outlets constitute an untapped resource for the dissemination of government information to the public and changes are needed to attract such private sector participation.

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INTRODUCTION

One of the principal avenues by which United States federal government information reaches the public is the Government Printing Office's (GPO) Sales of Publications Program (Sales Program) [1]. Under the management of the Superintendent of Documents, the Sales Program makes available to the public a wide variety of government publications, periodicals, and other documents at prices that are set according to a formula contained in GPO's enabling statute—Title 44 of the *United States Code* [2]. As of September 30, 1989, there were nearly 14,000 separate titles in the Sales Program's inventory, 80 percent of which were priced at \$15.00 or less.

At present, government books and publications flow through the Sales Program to the public either by mail order or across the counter at one of the 23 government bookstores operated by GPO. There are few titles in the inventory that are seen by the public in commercial bookstores. Since the government's book dealer discount policy does not fit industry practice, its publications are unattractive to private sector retail outlets [3].

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In the nearly 100 years of the Sales Program's existence, two major issues have repeatedly surfaced. The first concerns *pricing*, and specifically focuses on the methodology employed to set prices. The second involves *distribution*, namely, finding better ways to market government publications and expand the number of outlets for government books and periodicals. Both issues, however, spring from the same desire to increase the dissemination of government information by, among other things, lowering prices (on the theory that there is a direct correlation between prices and sales volume) and finding incentives for private sector bookstores to stock government publications.

In November 1990, the Public Printer, Robert W. Houk, released the results of a five-month study on documents pricing, which recommended several alternatives for improving the methods of pricing and distributing government publications sold to the public by GPO. The study was conducted by a group of representatives from GPO, federal publishing agencies, and the library community—the GPO Sales Publications Pricing Panel (Panel) [4]. Public Printer Houk had ordered the study group to review GPO's pricing structure and devise options for reducing the prices and increasing the dissemination of government documents through the Sales Program [5].

The Panel saw its task as covering four broad issue areas: (a) pricing issues; (b) marketing issues; (c) pricing appeals issues; and (d) other program administration issues [6]. The Panel made several key findings, conclusions, and recommendations in its final report, including:

- The current formula for pricing GPO sales publications achieves the purposes for which it was designed, namely, recovering the overall costs of the Sales Program while establishing prices that are commensurate with a wide variety of GPO sales publications. However, the statute gives the Public Printer flexibility to choose other pricing mechanisms, provided that the overall costs of the Sales Program are recovered.
- An alternative way to set prices for book dealers based on the actual cost of distribution could attract private sector retail outlets for government publications. The Panel recommended, however, that its new approach first be tested on a *pilot project* basis.
- The 25-percent limit on book dealer discounts in the statute is an obstacle to marketing government publications through private sector bookstores, which expect discounts of not less than 40 percent in accordance with current trade practice. Therefore, as an alternative to allowing book dealer prices to be set on the basis of actual cost of distribution, the Panel recommended a legislative change that would allow the Public Printer to establish a discount policy commensurate with the conditions and practice in the industry on a *pilot project* basis.
- GPO's traditional policy of selling excess publications as scrap is not a legal requirement, but is based on a previous management business decision. Therefore, the Public Printer should permit appropriate overstocks to be sold to book dealers and other quantity purchasers as surplus property.
- No formal pricing appeals procedure needs to be established at this time because agency/publishers are generally satisfied with the pricing structure applied to government publications sold through the Sales Program.
- An ad hoc working group of the Public Printer's Interagency Council on Printing and Publications Services was a potential advisory body for the Sales Program, and the Panel recommended that it be given permanent status for that purpose. The Panel also recommended that the Council examine the government's *dual distribution* policy; i.e., where publications in the Sales Program's inventory are also available from the publishing agencies free-of-charge.

The Panel's supporting data and reasoning were set forth at length in the 54 pages and 15 appendices of the final report [7]. While it is not the intent of this article to examine the final

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report in detail, the scope and extent of the Panel's work will be evident even from this brief discussion of its findings and conclusions.

PRICING FORMULA ISSUES

The current formula for pricing GPO sales publications achieves the purposes for which it was designed, namely, recovering the overall costs of the Sales Program while establishing prices that are commensurate with a wide variety of GPO sales publications. However, the statute gives the Public Printer flexibility to choose other pricing mechanisms, *provided that* the overall costs of the Sales Program are recovered.

The pricing formula applied by GPO to the government publications that it offers for sale is based on statute. Section 1708 of Title 44 of the *United States Code* requires that the sales prices of government publications be based on the "cost as determined by the Public Printer plus 50 percent" [8]. Although GPO has used different pricing formulas over the years, all have had the same function—they have been designed to recover the total Sales Program costs; i.e., both the direct and indirect costs involved in the program [9]. As indicated by one of the Panel's predecessors, the 1976 Documents Distribution and Pricing Study Group (Study Group):

No precise or scientific data gave rise to any of the "formulas" or their revisions. They were instead merely a convenient administrative device for adjusting sales prices to assure revenues would exceed incremental costs. As costs began to overtake revenues, the "formula" was revised to yield greater revenues. . . . The names applied to these various percentages bore no real relationship to the cost factors involved. What was important was "the bottom line," whether revenue exceeded costs [10].

The Study Group also observed that the basis for all versions of the pricing formula was the premise that the Sales Program should be self-sustaining and all the incremental costs associated with it should be recovered [11]. Consequently, central to *any* formula adopted by GPO is that prices must recover the costs associated with the Sales Program so it can operate on a self-sustaining basis. This central concept, that the Sales Program must be self-sustaining, is what guides the traditional interpretation of 44 U.S.C. section 1708 [12]. Moreover, past actions by GPO's congressional appropriations committees have forced the conclusion that being self-sustaining means more than breaking even [13]. Acting on this bottom line approach, GPO has followed a financial philosophy by which the total revenues from the Sales Program are expected to exceed the total costs. As a consequence, the function of *any* pricing formula has been to generate revenue to cover Sales Program costs.

Even though pricing formulas are expected to produce income, this is not to say that establishing prices for publications sold by GPO is solely an exercise in business or economic judgment. There are countervailing social and political considerations that must be factored into any pricing mechanism because the Sales Program is one of the major avenues for the dissemination of government information to the public. Indeed, Congress is acutely aware of this role of the Sales Program and has from time to time expressed its concern that, while publication prices should be adequate to recover costs, the pricing mechanism itself should not become an obstacle that would deprive the public of access to such information [14]. To guard against this danger, GPO has adopted a separate mechanism for selling small publications at a price commensurate with their size.

The current pricing formula is comprised of four central components: (a) printing and binding costs; (b) postage; (c) handling; and (d) the 50 percent markup required by 44 U.S.C. sec-

tion 1708 [15]. Generally, all components are estimated prior to actual printing and publication, and a sales price is assigned at that time. All computations of the sales price are rounded in accordance with a fixed formula. The *small publications* problem has been addressed by GPO's adoption of a formula in which handling charges are assessed according to a document's size in square inches [16]. Similarly, in recent years, postage has been treated like all other costs subject to 44 U.S.C. section 1708, and is included within the range of costs subject to the 50 percent markup [17]. However, notwithstanding any fine tuning, the four components of the formula itself have remained unchanged. Finally, although a minimum price of \$1.00 has been placed on Sales Program publications, there has been no maximum price.

The Panel's test of the validity of the current pricing formula—i.e., does it fairly reflect costs, and does it discriminate among larger and smaller publications—was based on a representative sample of 115 items selected at random from the sales inventory. The sample was evaluated against criteria developed by the Panel that were intended to relate the publication's price to its: (a) size; (b) complexity; (c) quality of materials; (d) contribution to the recovery of total Sales Program costs; and (e) prospective life cycle. Using the Documents Standard Pricing Scales, the Panel compared the sample publications against this five-part yardstick and found that the application of the current pricing formula resulted in prices that adequately reflected the differences between them [18].

In addition to running a sample test, the Panel also looked at the sales prices of *all* items in GPO's inventory as of September 30, 1989. On that date, the inventory contained approximately 14,000 titles, *12,000 of which were priced at \$15.00 or less*. This 12,000-title figure included 2,500 publications with the minimum price of \$1.00, and more than 7,000 titles selling for \$3.00 or under. Since the average handling cost is \$4.51, and some 7,000 publications are priced at \$3.00 or less, it was obvious to the Panel that *half of the titles in the inventory are priced below the average handling cost*. Thus, the Panel had to agree that there is a surface merit to arguments made by some critics that the larger publications are bearing a disproportionate share of the Sales Program's costs. It noted, however, that this situation exists as a result of a conscious decision on the part of GPO management, consistent with the wishes of Congress, to maintain low selling prices for smaller government publications [19].

Based on its study, the Panel concluded that the current pricing formula and the scales that implement it satisfied not only the evaluation criteria it used, but also performed their main functions on behalf of the Sales Program—to recover all of the costs of the Sales Program and keep it on a self-sustaining basis while maintaining a reasonable pricing structure for small publications. Although there were some individual pricing variations, they were not significant in the Panel's view, and the formula appears to achieve its principal purposes on a consistent basis. As a consequence, insofar as the current four-part formula satisfies the legal requirements of 44 U.S.C. section 1708, and offers a sound foundation for making pricing decisions within the context of the Sales Program, the Panel concluded that it is a valid approach by which the Public Printer can meet his responsibilities under the law.

However, the Panel did feel constrained to add that, while it found the present pricing formula satisfactory for the purposes of the Sales Program and the law, this should not be taken as an *unqualified endorsement* of the current approach. Indeed, the Panel observed that the history of pricing at GPO is replete with evidence that the Public Printer has the flexibility to try other approaches and formulas as long as the overall costs of the Sales Program are recovered. Thus, the Public Printer could exercise his statutory discretion to develop a new formula with different components. However, it was not the Panel's purpose, nor was it within its charter, to identify all of the pricing options available to the Public Printer that would meet the requirements of 44 U.S.C. section 1708. Instead, the Panel observed that the current pricing formula is merely one of many possible choices, but it is by no means the only one.

To further the goal of attracting private sector retail outlets for Government publications, GPO could institute an alternative pricing mechanism for book dealers based on the actual cost of distribution, instead of asking Congress to provide higher discounts by statute. However, this new approach should first be tested on a pilot project basis.

The pricing statute—44 U.S.C. section 1708—only allows the Public Printer to offer a discount not to exceed 25 percent to book dealers and quantity purchasers [20]. This low discount rate is a major reason that the bookstore chains have closed their doors to the publications offered by GPO; i.e., the statutory 25 percent discount is out of step with current commercial practice in the industry where private sector bookstores expect discounts of not less than 40 percent. As a consequence, the statutory discount does not provide enough incentive to book dealers to stock government publications.

The Panel realized that the current pricing formula conforms to the traditional pricing philosophy at GPO, which is predicated on the basic assumption that the Sales Program is a retail operation. In other words, the pricing formulas used by GPO, now and in the past, have normally ignored publications that are, in fact, sold as wholesale items; rather, most publications are priced as if they were individual sales by mail [21]. Thus, the Panel believed that if GPO changed the basis of the formula from an assumed method of sale to the actual method of sale, the effect on pricing could be dramatic [22]. Furthermore, any such pricing changes could be made within the confines of the present law.

Assuming that the central premise behind the Sales Program is an intent to give government publications the widest possible dissemination to as many people as can be reached, and at a reasonable cost, then it seemed to the Panel that GPO ought to encourage book dealers to handle an increasing portion of the retail business. Indeed, the magnitude of the distribution network that could be provided by the retail bookstores becomes apparent when one considers that there are 5,800 branch chain stores, 21,568 retail bookstores, and 14,489 independent bookstores in the United States and 2,080 retail bookstores and 1,321 independent bookstores in Canada. Consequently, the Panel felt it incumbent on GPO, in the face of 44 U.S.C. section 1708's discount limitation, to develop strategies to expand the base of book dealers that handle government publications and that would be instrumental in widening the market for such publications. The solution to that problem lies in a more creative pricing mechanism and in the development of a more flexible application of the pricing formula.

Agreeing with past observations of the General Accounting Office (GAO), the Panel realized that whenever books are picked up by the purchaser at GPO's warehouses, there is no postage cost incurred by the Superintendent of Documents. However, because postage is a factor in the pricing formula, the price charged for the publication recovers a cost that is not incurred [23]. When GPO ships publications to book dealers in bulk, the actual postage cost is lower than the factor built into the pricing formula; thus, the price charged in that case over-recovers for this cost. Since the key language in 44 U.S.C. section 1708, "cost as determined by the Public Printer," requires, as GAO once said, that the costs reflected in the formula must have a *basis in fact* [24], insofar as the publications that are sold to book dealers actually recover costs that are not incurred, the pricing formula as applied to them does not meet that standard.

The Panel's proposed solution to this shortcoming is a pricing structure flexible enough to more accurately relate prices to cost. The Panel saw such a flexible pricing structure as essentially having five component parts; i.e., price variances for the same book based on the *actual* method of sale: (a) retail price (developed from the existing formula); (b) bulk retail price (developed from existing formula, less 25 percent discount); (c) book dealer retail price (99 copies or less) (same as bulk retail price); (d) book dealer warehouse price (retail price less 25 percent

discount, less 150 percent of postage if the publications are picked up by the book dealer from the Superintendent of Documents' warehouse, or the book dealer uses a commercial carrier, or any other means by which no shipping costs are incurred by GPO); and (e) book dealer bulk shipment price (retail price less 25 percent discount, less 150 percent of postage, plus 150 percent of the bulk shipping costs from the warehouse) [25]. By the Panel's calculations, using this more realistic pricing method could result in *effective* discounts to the book dealers of nearly 45 percent, which would be in accord with trade practice [26].

The Panel also had to recognize that apart from the need for larger discounts, GPO would have to change its current invoicing practice in order to attract wholesale customers. Book dealers prefer to be invoiced or billed for the merchandise they purchase, and that is the commercial practice followed in the industry. In contrast, the usual practice at GPO, as it is with most governmental entities, is to require payment in advance, i.e., before an order is shipped [27]. However, the Panel believes that a reasonable balance could be struck between the needs of GPO's book dealer customers and the views of its program managers by a policy that allows GPO to invoice "its best *non-Government* customers." It was unwilling to recommend a "blanket" or unrestricted invoicing policy for GPO; indeed, the law itself forbids selling some publications on credit [28]. Furthermore, the Panel cautioned that a complete and sensible invoice program should also include a collection method to minimize potential loss due to bad debts [29].

Finally, the Panel recognized that, as with any new undertaking, there is no way to know at this time if greater efforts to wholesale books will result in more sales of government publications or merely to lost revenue. Consequently, the Panel recommended a one- to two-year *pilot* or *demonstration project* in which selected publications, chosen from GPO's consistent best sellers, are offered under the reconfigured pricing system to book dealers and others who purchase for the purpose of resale. In order to be effective, a demonstration project of this nature will need to be promoted by GPO through vigorous advertising and marketing campaigns, and would be perhaps most effective if, at the outset, efforts were concentrated on the independent bookstores, and the classified stores of the book chains (stores that cater to specific topics). Moreover, the Panel thought that the project's success would be enhanced if the Public Printer made two alterations to GPO's current bulk order policy: (a) redefine such an order to be a lower figure than 100 copies, and (b) allow book dealers to use a mix of assorted titles to make up the bulk order.

MARKETING ISSUES

A more direct approach to changing the current 25-percent limit on book dealer discounts in the statute is for GPO to seek new legislation that would allow the Public Printer to establish a discount policy commensurate with the conditions and practice in the industry.

The Panel recognized that its modified pricing formula with respect to wholesale distributions constituted an *indirect* approach to the establishment of an effective book dealer discount that matches or exceeds the industry average (40 percent) and was one way to overcome the obstacle to increased sales caused by the 25 percent cap on discounts in 44 U.S.C. section 1708. The Panel also knew that its preferred flexible pricing method was at odds with GPO's traditional position that the agency could not, as a matter of law, offer publications through the Sales Program to book dealers and others at more than a 25 percent discount—higher discounts to them would require a change in the law [30].

This *direct* approach to solving the problem caused by the current 25 percent discount limit,

i.e., to ask Congress to raise the discount to at least 40 percent, was the avenue chosen by a former Public Printer in 1982 [31]. In the Panel's view, the reasons that prompted an attempt to change the statute are still valid; the discount policy in the law is out of step with industry practice and deprives GPO of access to commercial marketing outlets that are essential to a policy of maximizing the dissemination of government publications [32]. Because of the statutory discount cap, certain publications with a potential market well beyond what can possibly be reached through the GPO bookstores and by mail (e.g., *Infant Care*, *The Statistical Abstract of the United States*, *Occupational Outlook Handbook*, *The Backyard Mechanic*, *Railroad Maps of North America*, *Fifty Birds of Town and City*, *Restoring America's Wildlife, 1937-1987*) are not stocked by commercial book dealers for sale in their stores.

As an alternative to modifying the application of the pricing formula to better reflect the actual costs incurred by book dealers and other volume purchasers for resale, the Panel believed that the only other solution is to ask Congress, once again, to amend 44 U.S.C. section 1708 to remove the present discount limitation of 25 percent. It did not suggest a fixed higher ceiling, however, thinking it more appropriate and more flexible if the substitute language were to allow the Public Printer to establish a discount policy commensurate with the conditions and practice in the industry.

Until the 25 percent discount cap is eliminated, the Panel recognized there is no way to know if a higher discount rate will result in more sales. On the other hand, the Panel was unwilling to recommend an unlimited offer of government titles to the private sector without first testing their sales elasticity in the absence of the present restriction; indeed, for some publications it may be inappropriate to offer a 40 percent discount, since doing so would reduce the price below cost. Therefore, consistent with its position on the flexible pricing method, the Panel recommended that the Public Printer seek permission from Congress to conduct a one- to two-year experiment or *pilot project* in which selected publications, chosen from GPO's consistent best sellers, are offered to commercial, university, and college bookstores at a discount that meets the standard in the industry. This experiment should also conform to the same criteria regarding sales on credit, the treatment of postage, and vigorous promotion that the Panel felt would be needed to make the flexible pricing pilot project a success. In the final analysis, the Panel believed that an experiment of controlled size and duration is a much better way to enter the arena of commercial outlets than an immediate blanket change for all of the titles sold by GPO.

GPO's traditional policy of selling excess publications as scrap is not a legal requirement, but is based on a previous management business decision. Therefore, the Public Printer should permit appropriate overstocks to be sold to book dealers and other quantity purchasers, as surplus property.

GPO's practice of pulping overstocked publications has been the subject of a continuing debate for more than three decades [33]. The principal focus of this controversy concerns the disposal of excess but otherwise usable publications, rather than the destruction of damaged or obsolete stock. Like commercial book dealers, GPO cannot always accurately predict the sales performance of the publications and documents that it sells, and thus the question becomes how to dispose of slow-moving or nonmoving stock. For years, the general perception within GPO has been that overstocked publications must be sold as scrap, *as a matter of law*. However, the Panel's extensive research on this issue disclosed that, in fact, GPO's practice of pulping overstocked publications, instead of selling them at reduced prices, was a *management decision* rather than a legal requirement. In this regard, the Panel could find nothing in 44

U.S.C. expressly mandating the sale of surplus property as scrap, nor is there any language explicitly prohibiting an alternative treatment of excess stock [34].

Its review of the issue led the Panel to several conclusions: (a) the law distinguishes between disposing of surplus property by sale and giving it away (as a general rule, with limited exceptions, donations are not allowed); (b) 44 *U.S.C.* section 1708 governs prices for publications sold by the Superintendent of Documents (as long as documents are controlled by that office, they can not be considered surplus, and there can be no deviation from the pricing formula); (c) the Public Printer's decision that certain publications are overstocked removes them from the control of the Superintendent of Documents, making their disposition a matter of the Public Printer's management discretion under the law [35]; (d) the sales price of excess overstocks is not governed by 44 *U.S.C.* section 1708, because they are no longer considered viable government publications, but rather are deemed to be scrap, surplus, or condemned matter, which, in the exercise of good management judgment, may be sold at prices other than those set in accordance with the statutory formula; and (e) the policy of selling overstocked publications as scrap material is a long-standing management practice and is not mandated by statute.

In the Panel's view, any method of disposal that maximizes revenue may be employed by GPO management, *so long as the sales proceeds from surplus property and publications are recovered in'o the revolving fund* [36]. Further, it seemed clear to the Panel that rather than being a creature of the law, the policy of scrapping overstocked publications was supported by, in the main, business perceptions based on conditions in the industry [37]. Consequently, once responsibility for overstocked publications is removed from the Superintendent of Documents, there is no legal impediment to selling them as surplus for more than their scrap value, i.e., the law only precludes such sales under the auspices of the Superintendent of Documents [38].

The Panel saw multi-year subscriptions as being underutilized as a marketing tool and recommended that the Superintendent of Documents, in cooperation with the agency/publishers, endeavor to convert more single-year subscriptions into multi-year subscriptions.

Most subscriptions available through GPO's Sales Program are marketed on a one-year basis [39]. In recent years, however, GPO has reexamined its sales policy regarding publications sold by subscription and has changed a number of them to a multi-year format; e.g., *The Commerce Business Daily*, *Monthly Labor Review*. Consequently, the Panel considered whether the use of multi-year subscriptions could be extended to more publications.

The Panel recognized that the key to the effective use of multi-year subscriptions is a stabilization of prices for the publications concerned. Prices are set on an annual basis. Further, when a publication enters the Sales Program, its price is established based on its cost *at that time*, and that remains the price for the publication's life cycle. Consequently, regardless of any postage increases, GPO would need an agency/publisher's cooperation in order to change a publication to a multi-year sales format [40]. That is to say, the agency would have to commit to GPO that no significant changes will be made to the printing specifications of the publication during the multi-year period covered by the subscription. This will have the effect of stabilizing the price of the publication, and will also allow GPO's Marketing Department to make the appropriate changes to the order blank used by the customer. Therefore, the Panel recommended that increased ways be found to use this marketing technique.

The Panel also believed that *consolidated shipments* were underutilized in the Sales Program and recommended that the Superintendent

of Documents take steps to advertise that method of distribution to increase its use.

Consolidated shipments are an agency-initiated method for bulk distributions. It is basically a distribution service provided by the Superintendent of Documents to customer/agencies. Under this method, the ordering agencies themselves are responsible for advertising the publication, usually by means of a flyer, and for getting an order blank to the customer. When functioning properly, consolidated shipments can result in a substantial monetary return to GPO—in the past, this sort of advertising has usually added \$100,000 worth of sales to the original publication.

The Panel was informed that GPO does not advertise consolidated shipments as a means of distribution. Nonetheless, the Superintendent of Documents certainly has the capability of fulfilling more orders by means of consolidated shipments, if the central administrative problem of dilatory responses to the agency's flyer can be controlled. Therefore, the Panel recommended that steps be taken to advertise that method of distribution and find ways to increase its use [41].

SALES PUBLICATIONS PRICING APPEALS

No formal pricing appeals procedure needs to be established at this time because agency/publishers are generally satisfied with the pricing structure applied to government publications sold through the Sales Program.

One of the motivations for the creation of the Panel was a concern that the pricing mechanism established by 44 U.S.C. section 1708 was relatively rigid in application and that circumstances might occasionally exist when variations to the formula were warranted. Accordingly, the Panel decided to find out if there was a need for a formal pricing appeals system that could be invoked by agency/publishers if they wished to challenge the price assigned to one of their publications under the pricing formula. The Panel's thinking was that if it found significant or broad dissatisfaction with the pricing mechanism, this would support the creation of a process by which the agency/publishers could make a case for a different, presumably lower, sales price.

The Panel's discussion of this issue relied on the results of a telephone survey it conducted of a representative sample of agencies that were known to publish and have various publications included in the Sales Program. In all, 41 agencies (of the 138 customer/agencies served by GPO) were contacted. Of the agencies surveyed, 57 percent were satisfied with the prices at which their publications were sold through the GPO Sales Program, 29 percent were somewhat satisfied, and only 14 percent were dissatisfied. Stated somewhat differently, 86 percent of the federal government publishing community was basically satisfied with the prices assigned by GPO to their publications. On this evidence, the Panel concluded that such a low rate of dissatisfaction simply did not provide a sufficient basis for a formal pricing appeals procedure.

On the other hand, while the Panel recommended against the creation of a formal pricing appeals process, it observed that an ad hoc working group within the Public Printer's Inter-agency Council on Printing and Publications Services (ICPPS), that was then looking at Sales Program issues could be given permanent status and allowed to serve as an appropriate informal conduit for agency/publishers to express their views regarding the pricing of particular publications.

OTHER ISSUES

The Panel recommended that the Superintendent of Documents accelerate the conversion of the Sales Program to the ISBN and ISSN identification systems.

Two identification systems, the International Standard Book Number (ISBN) system and its complementary numbering system for serial publications, the International Standard Serial Number (ISSN), are used by more than 30,000 active publishers in the United States. They are the most widely used identifiers for publishers, jobbers, bookstores, and libraries in the acquisitions process, and are key elements in standard acquisitions tools such as *Books in Print*. The systems have been embraced by the publishing industry primarily because they facilitate the sale of books and publications.

At the present time, the Superintendent of Documents is taking steps to convert the publications identification system currently used by GPO to the ISBN and ISSN systems. The Panel endorsed the Superintendent of Documents efforts and urged an acceleration of the conversion process so that all of GPO's sales publications conform with the industry's identification standards in the near future [42].

An ad hoc working group of the ICPPS was a potential advisory body for the Sales Program, and the Panel recommended that it be given permanent status for that purpose.

For years, GPO has had advisory councils or committees for the Depository Library Program (the Depository Library Council to the Public Printer) and the Printing and Procurement Program (the ICPPS). However, GPO does not have an advisory committee specifically for the Sales Program. Some voices now suggest that the time is ripe for a similar external advisory group for the Sales Program [43]. The role envisioned for such an advisory group is to assist GPO in developing more aggressive marketing strategies for the Sales Program as a whole.

The Panel was aware that the establishment of advisory committees in the *executive branch* is strictly controlled by law—the "Federal Advisory Committee Act" [44]. While this statute does not apply to GPO, the Panel was nonetheless mindful of Congress' view that "new advisory committees should be established only when they are determined to be *essential* and their number should be kept to the *minimum necessary*" [45]. Consequently, the Panel was hesitant to recommend that the Public Printer create a new advisory group for the Sales Program, in the absence of compelling reasons indicating the need for one. Instead, the Panel focused on an existing informal working group of the ICPPS, then looking into other Sales Program issues, as potentially fulfilling that role. It recommended that the informal working group be made a permanent subcommittee of the ICPPS with advisory responsibilities for the program. As the Panel saw it, doing so would not only satisfy the perceived need for an advisory group devoted solely to the Sales Program, but such an action would be consistent with the goal of Congress that agencies limit the number of advisory committees and create new ones only if they are essential.

Although the Panel set out to consider the pricing of electronic publications, it realized that pricing of these is only one part of a larger issue involving, among other things, the proper placement of the elec-

tronic dissemination function within the federal infrastructure, and is a complex task in and of itself. Since it was without the necessary expertise to properly deal with this issue and all of its ramifications, it recommended that a special task force be convened solely to examine the proper pricing structure for electronic publications.

The Panel initially thought that its examination of the current pricing formula should include testing its validity as applied to publications offered in the new electronic technology [46]. Insofar as electronic products are offered through the Sales Program, they are currently priced in accordance with 44 U.S.C. section 1708—at their cost as determined by the Public Printer plus 50 percent. During the course of the Panel's deliberations, however, it became apparent that the volume of electronic sales was insufficient to merit further investigation of the issue within the Panel's time frame for completing its work. In that regard, it seemed to the Panel that the electronic publications presently offered are not yet a large factor in GPO's Sales Program, and moreover, the prices of the major sellers in this format at this time (the *Federal Register* and the *Code of Federal Regulations*) are set by the Administrative Committee of the *Federal Register*, not GPO [47]. Therefore, the Panel terminated its consideration of the issues relating to electronic publications, in order to concentrate its deliberations on the application of the pricing formula and marketing techniques to the bulk of the products sold by GPO.

In doing so, the Panel was mindful that the entire area of electronic dissemination, including the pricing of electronic publications, is currently a matter of congressional interest [48]. GPO's role in the dissemination of electronic information is also a matter of discussion [49]. Furthermore, the Panel knew that GPO's oversight committee, the Joint Committee on Printing, believes that electronic information products are *government publications* covered by 44 U.S.C. section 1708 [50]. In light of this known congressional interest and its potential impact on GPO, it was apparent to the Panel that the pricing of electronic publications is merely one part of a much larger, and more complex, area involving responsibility for the production and dissemination of electronic publications in the federal infrastructure. Consequently, the Panel thought it was inadvisable to look at the pricing formula for electronic products in a vacuum. In short, the marketing and pricing of electronic products needs to be addressed as part of the development of a comprehensive program dealing exclusively with the issues associated with those products—a task clearly beyond the mission of the Panel [51]. More importantly, the Panel was compelled to recognize, in any event, that its membership did not give it the necessary expertise to make judgments concerning appropriate methods for pricing electronic publications. Because it believed that the form of the electronic publication should drive the pricing methodology, the Panel believed that it might be difficult to apply the 44 U.S.C. section 1708 formula to electronic publications. Indeed, an even more central question is whether the 44 U.S.C. section 1708 pricing formula is appropriate *at all* for publications in electronic media. Consequently, the Panel recommended that all issues surrounding the matter of electronic publications, including the proper pricing mechanisms, should be examined by another study group specifically convened for that purpose.

The Panel also recommended that the ICPPS examine the Government's *dual distribution* policy.

In carrying out its charter, the Panel considered various possible ways to reduce the sales prices of government publications. The pricing formula is based, in part, on the projected total cost of the Superintendent of Documents operation, as well as the anticipated sales volume for

all publications during the upcoming fiscal year. Hence, the Panel reasoned that if the volume of sales could be significantly increased without increasing the existing work force, sales prices could be lowered for the publications disseminated through the Sales Program, because the fixed handling costs could be recovered over a larger base of sales. However, a distribution philosophy currently exists within the federal government that impedes GPO's ability to increase sales volume and thus lower prices. There is currently a *dual distribution* policy in effect for government publications. Very often the same publications being sold by the Superintendent of Documents through the Sales Program are simultaneously distributed, free of charge, to the public by, in most cases, the agency/publisher [52].

Because the Panel recognized that any resolution of the *dual distribution* problem will have social and financial consequences for the agency/publishers and the public, it recommended that the ICPPS, as the agency/publishers' representative to the Public Printer, undertake an in-depth study to develop the data needed to more fully assess the impact on the public and on the operating budgets of federal agencies.

CONCLUSION

In releasing the Panel's report, Public Printer Houk remarked, "The primary goal of my administration is to reduce the cost of GPO's programs and services, and expand the public's access to important and valuable Government publications. These recommendations represent a reasoned and balanced approach for achieving that goal in GPO's Sales Program" [53]. Certainly, it was the Panel's hope that its recommendations would go far toward achieving the Public Printer's objectives for the Sales Program. Specifically, the Panel saw its suggestions for improving the Sales Program as a useful road map for GPO's managers, to guide their future efforts in marketing government publications, expanding the number of outlets for government books and periodicals, and making government information available to the public at lower prices. As of this writing, steps are being taken to implement many of the Panel's recommendations.

NOTES

1. Government publications have been sold by GPO's Office of the Superintendent of Documents since 1895, when that function was transferred from the Department of the Interior. "Printing Act of 1895," *Statutes at Large*, 28, § 61, 610 (1895).
2. 44 U.S.C. § 1708, which provides, in pertinent part: "The price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost as determined by the Public Printer plus 50 percent."
3. 44 U.S.C. § 1708 also provides, in pertinent part: "A discount of not to exceed 25 percent may be allowed to book dealers and quantity purchasers. . . ." In contrast, under administrative guidelines of the Treasury Board, the Canadian Publishing Centre offers discounts of 40 percent to most book dealers, with certain authorized agents receiving a 46 percent discount in exchange for their agreement to display and stock a specific volume of government publications. The Board is currently reviewing this policy and is considering a change that would allow the Centre to set book dealer discounts at its discretion, so long as the revenue generated covers costs.
4. There were eight Panel members. Six were GPO employees—Stuart M. Foss, then Special Assistant to the General Counsel (Chairman); Meredith L. Arneson, Director, Regional Operations Office (Vice Chairman); Burkey W. Boggs, Manager, Customer Service Department; Robert B. Holstein, Assistant Comptroller, Office of Financial Management; Drew Spalding, Deputy General Counsel; and Charles F. Goodspeed, Office of Marketing. The two members from outside the agency were Dana J. Pratt, Director of Publishing, Library of Congress, and Maureen Simpson, Collection Management Librarian, Jacob Burns Law Library, The George Washington University.
5. Statement of the Honorable Robert W. Houk, Public Printer, before the Subcommittee on Procurement and Printing, Committee on House Administration, U.S. House of Representatives (July 26, 1990), p. 7. (Hereinafter referred to as: *Houk Statement*).
6. The Panel developed an underlying working philosophy to govern its activities. First, it attempted to be creative, honest, flexible, and practical in its suggestions. Second, it took 44 U.S.C. § 1708, the statutory basis for estab-

lishing prices for publications sold through the Sales Program, as it found it; i.e., the Panel took an evolutionary approach and did not consider devising new pricing formulas. Third, it attempted to build on the efforts of previous pricing task forces, and where feasible, it incorporated as much of the relevant prior material as possible in its final report. Fourth, recognizing that it was not conducting its examination in a vacuum, it attempted to incorporate pertinent opinions, statements, and suggestions given in other forums, concerning ways to improve the dissemination of government information, in its final report in order to make it as comprehensive as possible. Finally, the Panel chose a methodology for testing the current pricing formula that was swift and accurate, and consistent with the Public Printer's wish that the Panel exercise due diligence in accomplishing its work, but that also left the Panel satisfied that the method it selected was sound and accomplished the objective of testing the adequacy of the pricing formula.

7. U.S. Government Printing Office, "Report of the Sales Publications Pricing Panel" (August 31, 1990).
8. This statutory formulation first appeared in the "Legislative Branch Appropriation Act for fiscal year 1933," *Statutes at Large*, 47, § 306, 409 (1932). (Hereinafter referred to as: 1933 Appropriation Act.).
9. U.S. General Accounting Office, *Pricing of Publications Sold to the Public*, B-114829 (Washington: GAO, November 19, 1974), 5. (Hereinafter referred to as: 1974 GAO Report).
10. U.S. Government Printing Office, "Report of the Documents Distribution and Pricing Study Group," (February 12, 1976), 6. [Emphasis added]. (Hereinafter referred to as: "1976 Study Group Report").
11. "1976 Study Group Report," 7.
12. The key phrase in Section 1708 that drives this financial philosophy is "cost as determined by the Public Printer." The Public Printer has broad discretion to adjust the mix of cost factors in establishing prices; however, GAO has told GPO that cost must have a basis in fact. See "Memorandum from the Documents Pricing Task Force to the Public Printer, Subject: Recommendations on a New Pricing Formula," (October 26, 1983), 3. (Hereinafter referred to as: "1983 Task Force Memorandum").
13. For example, from fiscal year 1986 to fiscal year 1990 net income from the Sales Program was used by Congress to offset new budget requests in the Superintendent of Documents' salaries and expenses appropriations.
14. Senator Wendell H. Ford, Chairman, Joint Committee on Printing, letter to Public Printer Robert W. Houk (March 26, 1990).
15. See "1983 Task Force Memorandum," 1.
16. *Handling costs* are the most scrutinized element of pricing. They are an umbrella covering all other Sales Program costs, including personnel compensation, rent, computer charges, and various other direct and indirect costs that are apportioned to sales publications—based on the number of *square inches* in a publication—up to a maximum of \$15.00 per publication.
17. The 50 percent markup, in effect since 1932, generates revenue that can be used to offset any revenue reductions or cost increases in operations related to individual publications, such as book dealer and quantity purchaser discounts (25 percent), surplus publications expense, costs of reprinting (at potentially higher unit costs), and differences between estimated costs and actual costs.
18. The Documents Standard Pricing Scales tables are based on trim size, number of pages, and type of binding. Approximately 70 percent of GPO's sales publications are priced by use of these tables.
19. The 1983 Documents Pricing Task Force formulated the concept of selling small publications at a price commensurate with their size. See: "Memorandum from the Documents Pricing Task Force to the Public Printer, Subject: Task Force Recommendations" (April 8, 1983), 2. The Task Force was composed of members of GPO, agency/publishers, and Congress. Congressional representation on the Task Force was provided by staff from the Joint Committee on Printing.
20. This 25 percent discount limitation has been in effect since 1932. See 1933 Appropriation Act, *Statutes at Large*, 47, § 306, 409 (1932). While the legislative history is silent with respect to the authorized discount of 25 percent, it can be speculated that the tenor of the times had something to do with it. The bill, the "Legislative Branch Appropriation Act for fiscal year 1933," was entitled the "Economy Act," and was passed by Congress during the Great Depression. The Sales Program provided a convenient vehicle to raise "ready cash" for the government, because GPO was essentially the only outlet for government publications. Over the past 50 years, however, GPO has sought at various times to expand the outlets for government publications to the retail bookstore chains, but this effort has met with little or no success.
21. This fact was recognized by GAO 17 years ago, when another pricing formula was being questioned: "... the current pricing formula makes no distinction between the selling price of a publication sold to the public by mail and one sold over the counter at a GPO bookstore. In both cases, the distribution costs allocated to the publications are the same." See: 1974 GAO Report, 14. Nine years later, GAO noted that the situation had not changed when it said: "We believe, however, that postage should not be a factor in the pricing formula for all documents. Instead, it should be applied only to documents mailed. For example, GPO records indicate that 55 percent of out-of-town [GPO] bookstore sales do not involve mailing documents to customers. The then Pricing Task Force considered, but did not adopt, that, as a general rule, whenever a method for purchasing Government publications is less costly to GPO—for example, when no postage expense is incurred—customers who use the method should benefit from lower prices. Conversely, whenever a method is more costly, for example, delivery by air mail, the added cost should be borne by customers who choose to purchase by that method." [Emphasis added]. U.S. General Accounting Office, *The Government Printing Office Can More Effectively Manage Its General Sales Program*, B-208380 (Washington: GAO, November 16, 1983), 32. (Hereinafter referred to as: 1983 GAO Report).

22. GAO urged such a change on at least two occasions in the past. See: 1983 GAO Report, 32, 1974 GAO Report, 14.
23. See note 21 above.
24. See "1983 Task Force Memorandum," 3.
25. The bulk shipment price will depend, of course, both on the number of books ordered, since the price is based on the actual weight of all publications in the shipment plus the weight of the container, and on the method of transportation used.
26. The Panel further tested the impact of its flexible pricing method on 10 publications selected at random by computing the postage expense for 100 copies shipped in bulk and comparing it with the postage as developed by the formula. The analysis showed that the bulk postage costs were approximately 70 percent less than the formula postage costs.
27. At present, GPO limits invoicing or billing to certain federal government purchases, congressional orders, and college textbook orders. GPO's aversion to broad-scale invoicing is based on past problems in administering such a credit program. For example, GPO uses the *ship and bill* method to fill frequent but small orders from college textbook stores. However, the history of this form of distribution shows that the costs of invoicing and collecting the purchase price have been excessive, and in some cases, bad debts have resulted from a failure of some organizations to pay the invoiced amounts. In fiscal year 1989, GPO invoiced about \$1,300,000 and had to write off as *uncollectible*, \$71,000 or 5.5 percent.
28. Credit sales are prohibited for the following government publications: the *Congressional Directory* (44 U.S.C. § 722); the *Congressional Record* (44 U.S.C. § 910); special order reprints of congressional committee materials (44 U.S.C. § 733); extra copies of certain congressional materials (44 U.S.C. § 1706); and copies of approved government blank forms (44 U.S.C. § 1709). Apart from these publications or classes of documents, however, it is well-established that GPO has the authority to sell publications on credit through its own facilities, where it determines that extending credit will facilitate sales without increasing administrative costs or the price of publications. See: Opinion of the Comptroller General, 56 *Comp. Gen.* 90, 91 (1976). However, with the exception of college bookstores, as a matter of policy, GPO has chosen to limit credit sales to governmental institutions—orders from federal agencies, Congress, and state and local institutions.
29. The Panel recommended that before undertaking additional invoicing, GPO should enter a contract with a competent collection agency. The General Services Administration maintains a list of such organizations that are available for that purpose.
30. See: Memorandum from the Chief, Computing Section to the Comptroller (October 21, 1968); Memorandum from the Legal Assistant to the Comptroller (October 25, 1968); Memorandum from the Comptroller to the Administrative Assistant to the Public Printer (November 1, 1968).
31. Danford L. Sawyer, Jr., Public Printer, letter to Senator Charles McC. Mathias, Jr., Chairman, Joint Committee on Printing (October 29, 1982). Certain members of Congress had solicited such a change. See, e.g., U.S. Congress, Senate, Committee on Appropriations, *Legislative Branch Appropriations for Fiscal Year 1975: Hearings before a Subcommittee on H.R. 14012*, 93rd Cong., 2d sess., 9 April 1974, 117 (statement of Senator Ernest F. Hollings). However, GPO was not successful in getting Congress to act on its proposal to amend 44 U.S.C. section 1708 for this purpose. Congressman Augustus F. Hawkins, Chairman, Joint Committee on Printing, letter to Public Printer Danford L. Sawyer, Jr. (October 21, 1983).
32. As part of its data gathering, the Panel took a limited survey of the book industry, which disclosed that discounts offered by publishers or expected by book wholesalers and retailers range from a minimum of 35 percent (B. Dalton) to 55 percent (Baker and Taylor). Indeed, the spokesman for Crown Books indicated that a publisher could not even "get in the door" with a discount of less than 45 percent. Overall, it seemed that the average minimum discount is approximately 40 percent, against which GPO's rigid 25 percent discount policy operates as a sufficient disincentive for book dealers to handle government publications.
33. The practice was being scrutinized in congressional hearings by the Subcommittee on Procurement and Printing of the Committee on House Administration (July 26–27, 1990) at the same time the Panel was looking into the matter.
34. The Panel did not say that the management policy of scrapping overstocks is wrong—the economic and business reasons that led to it may still be valid. Rather, one should not confuse a valid, but nonetheless discretionary, business judgment with a mandate under the statute.
35. 44 U.S.C. § 301.
36. See: Memorandum from the [GPO] General Counsel to the Director, Materials Management Service (January 11, 1972); Opinion of the General Counsel—"Disposition of Overstocked Publications" (March 19, 1974) (overstocked publications can be sold as "scrap," "surplus," or "condemned" material at a price other than that set forth in 44 U.S.C. section 1708 because they are no longer considered viable as "government publications"); Opinion of the General Counsel—"Disposition of Overstocks" (July 9, 1975) (overstocked publications declared to be "surplus property" can be sold to book dealers or the public at a price that is greater than that for scrap but less than the prices dictated by 44 U.S.C. section 1708); Opinion of the General Counsel—"Selling Overstocked Publications at Prices Below those Specified in 44 U.S.C. § 1708" (February 20, 1976). As indicated in the text, the revenue from such scrap sales is returned to GPO's revolving fund. The revolving fund was established by Congress in GPO's enabling statute as a financial management device separate from the normal appropriations process (44 U.S.C. § 309). In essence, the fund is available to GPO without fiscal year limitation for, among other things, the operation and maintenance of the agency (44 U.S.C. § 309(a)). The "revolving" aspect of the fund

comes from the requirement that it must be reimbursed for the cost of all services and supplies furnished, including being credited with all income from the sales of government publications (except those required by law to be paid into the Treasury), and receipts from the disposal of waste, condemned and surplus property, i.e., scrap sales (44 U.S.C. § 309(b)).

37. See: Opinion of the [GPO] General Counsel (March 19, 1974), Note 36 above (book dealers who had purchased publications at the established price would be opposed to price reductions for others); Opinion of the General Counsel (February 20, 1976), Note 36 above (there are essentially three ways to dispose of overstocked publications—scrap, surplus, or condemned property—with selection primarily a policy question of economics and marketing); Opinion of the General Counsel—“Documents—Overstock Publications—Sale” (March 10, 1976) (the attachments to this opinion indicate that GPO’s policy of scrapping overstocks is based on economic considerations and business judgment); Memorandum of the General Counsel (March 16, 1983) (scrapped publications are not sold in lots, but are included in the GPO’s waste disposal program, which is covered by a six-month term contract, and this contract forbids the resale of publications in other than mutilated form in order to prevent the high bidder from reselling them and undercutting the prices charged by GPO under 44 U.S.C. section 1708). In contrast to GPO’s policy, which is to immediately scrap overstocks, commercial publishers will first attempt to sell excess publications to so-called remainder houses, i.e., dealers that buy books at drastically reduced prices for resale to book stores for their sale tables. If the remainder houses are not interested in the overstocks offered, then a commercial publisher will, like GPO, sell them for scrap. In essence, the Panel’s recommendation to the Public Printer is no more than that he allow GPO to conform to trade practice by attempting to remainder overstocks first before scrapping them.
38. In conjunction with the Panel’s review of GPO’s policy for disposing of excess publications, the Public Printer has also asked GPO’s General Counsel for an opinion on the issue. See *Houk Statement*, p. 12. Clearly, a statutory change would be necessary for the Superintendent of Documents to assume responsibility for conducting *clearance sales* of overstocked publications. See: Letter from the Public Printer to the Senator Mathias, Chairman, Joint Committee on Printing (October 29, 1982).
39. This is not to say, however, that GPO has an institutional bias against multi-year subscriptions. At one time, GPO made greater use of this marketing mechanism than it does today, but the method lost favor with the enactment of the “Postal Reorganization Act of August 1970,” 39 U.S.C. § 101 *et seq.*, which, among other things, required GPO and other federal agencies “to pay the same postage charges as private, unsubsidized users.” See: 1974 GAO Report, 4. These new postal rates for the government were phased in over several years. In an effort to reduce annual losses over this period, GPO converted to one-year subscriptions.
40. With respect to the postage increases that were on the horizon when the Panel was considering this issue (and which became effective February 3, 1991), it believed that multi-year subscriptions would serve to offset any additional handling costs caused by the higher postage rates by reducing other costs, e.g., the costs associated with creating and mailing renewal notices and processing these transactions on GPO’s mail list system.
41. The essence of the consolidated shipment method of distribution is that publications are ordered in advance and shipped directly to the customer from the printer. An agency seeking this service will ride the printing order (much as the Superintendent of Documents does), in quantities of 1,000 or more, for which they receive a discounted price based on the cost of printing and binding, a single handling charge of \$15.00, transportation costs, and the statutory 50-percent markup. As a consequence, the customer agency obtains the publications at substantially lower prices. (After the Panel issued its report, the Public Printer canceled this method of distribution in favor of a more flexible pricing mechanism. See: Memorandum from the Public Printer to the General Counsel (April 4, 1991).)
42. GPO recently announced that the conversion process has been completed and that ISBNs will be assigned in the future for many of those government publications selected for the Sales Program. See “Office Adopts Use of International Standard Book Numbers,” *GPO News Letter*, 15, no. 4 (February/March 1991), 1.
43. See, e.g., Statement of Fred B. Wood, Senior Associate, Office of Technology Assessment, U.S. Congress, before the Subcommittee on Procurement and Printing, Committee on House Administration, U.S. House of Representatives (July 26, 1990), 3–4. (Hereinafter referred to as: *Wood Statement*).
44. See “Federal Advisory Committee Act,” Pub. L. 92-463, as amended, 5 U.S.C. App. 2 § 1 *et seq.* Congress enacted this statute for the purpose of eliminating useless advisory committees, strengthening the independence of the remaining advisory groups, and preventing advisory groups from becoming self-serving. See: *Consumers Union of the United States, Inc. v. Department of Health, Education and Welfare*, 409 F.Supp. 473 (D.D.C. 1976), affirmed 551 F.2d 466 (D.C. Cir. 1977).
45. 5 U.S.C. App. 2 § 2. [Emphasis added].
46. The Panel saw electronic publications as including magnetic tapes, CD-ROMs, floppy disks, broadcast media, on-line computer services, or any other machine-readable media.
47. 44 U.S.C. §§ 1506(5), 1510.
48. See, e.g., U.S. Congress, House Committee on Administration, *The Government Printing Office Improvement Act of 1990*, 101st Cong., 2d sess., H.R. 3849; U.S. Congress, House Committee on Government Operations, *The Paperwork Reduction and Federal Information Resources Management Act of 1989*, 101st Cong., 1st sess., H.R. 3695; and U.S. Senate Committee on Governmental Affairs, *The Federal Information Resources Management Act of 1989*, 101st Cong., 1st sess., S.1742. None of these bills were enacted during the 101st Congress. However, comparable legislation was recently introduced in the 102d Congress. See Senate Committee on Governmental Affairs, *The Federal Information Resources Management Act of 1991*, 102d Cong., 1st sess., S. 1044.
49. See: U.S. Congress, Office of Technology Assessment, *Informing the Nation: Federal Information Dissemination*

in an *Electronic Age* (Washington: GPO, 1988), which was an impetus for H.R. 3849; see: U.S. Congress, House, Committee on Administration, *The Government Printing Office Improvement Act of 1990: Hearings before the Subcommittee on Procurement and Printing*, 101st Cong., 2d sess., 7-8 March 1990, 8.

50. See: Senator Wendell H. Ford, Chairman, Joint Committee on Printing, letter to Richard Darman, Director of the Office of Management and Budget (April 6, 1989). See also: Congressman Frank Annunzio, letter to Public Printer Ralph E. Kennickell, Jr. (March 25, 1988) (affirming the position that GPO's authority under 41 U.S.C. extended to the "production and distribution of Government publications in these new [electronic] formats."), and U.S. Congress, Joint Committee on Printing, *Government Printing and Binding Regulations (No. 26)* 101st Cong., 2d sess., 1990, 57. (republishing the Joint Committee on Printing's policy statement of February 15, 1979, concluding that electronic printing systems, total integrated printing systems, or any individual component utilizing computer technology dedicated to printing processes, are subject to the provisions of 44 U.S.C.).
51. See *Wood Statement*, note 43 above, p. 5.
52. The Panel selected a very small sample (11) from the "Notification of Intent to Publish" forms (GPO Form 3868) on file, and compared the number of copies set aside for free distribution with the number of copies being sold. For these 11 publications, the government was giving away a total of 2.2 million copies, while at the same time trying to sell 157,000 copies. It should be noted that Congress has been aware of the impact of this *dual distribution* policy on the Sales Program for many years. See, e.g., U.S. Congress, Senate Committee on Appropriations, Legislative Branch Appropriations for Fiscal Year 1975, 93rd Cong., 2d Sess., 9 April 1974, 119.
53. See: "Public Printer Releases Recommendations on Documents Pricing," *GPO News Letter* 15, no. 2 (October/November 1990), 1.